

Date
Wayne Collier
1137 Marina Drive
Slidell, Louisiana 70458

Re: Ethics Board Docket No. 2016-770

Dear Mr. Collier:

The Louisiana Board of Ethics, at its October 21, 2016 Board meeting, considered your request for an advisory opinion regarding whether the Lacombe Recreation Boosters, L.L.C. (Boosters), a non-profit organization, may enter into a Memorandum of Understanding to continue to operate the concessions stand at the facilities of the St. Tammany Parish Recreation District No. 4 (District Board) if a current or former board member or public employee of the District serves on the Board of Directors of Boosters. Paul Leary served as an appointed member of the District Board until his term expired. While serving on the District Board, he served as a member of Boosters receiving no compensation. Boosters raised funds by its operation of concession stands for the District for which Boosters received no compensation. All of the labor is provided by Boosters at no cost to the District. It pays for the cost of goods and retains the gross receipts. Boosters uses its funds to provide scholarships for needy families who cannot afford to pay the cost for programs undertaken by the District. The Memorandum of Understanding would be signed by a person designated by the Board of Boosters; however, this person would not be Paul Leary.

The Board concluded, and instructed me to inform you, that the Louisiana Code of Governmental Ethics would not prohibit Lacombe Recreation Boosters, L.L.C., from entering into a Memorandum of Understanding with the St. Tammany Parish Recreation District No. 4 Board, within two years following Paul Leary's termination of service from the District Board. La. R.S. 42:1121A(1) provides that no former agency head or elected official shall, for a period of two years following the termination of his public service as the head of such agency or as an elected public official serving in such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency or render any service on a contractual basis to or for such agency. La. R.S. 42:1121A(2) provides that no former member of a board or commission shall, for a period of two years following the termination of his public service on such board or commission, contract with, be employed in any capacity by, or be appointed to any position by that board or commission. Boosters entering into a Memorandum of Understanding to perform concession services for the District, at no cost to the District, would not be considered Mr. Leary contracting to perform services with his former agency.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,
LOUISIANA BOARD OF ETHICS

Brett Robinson
For the Board

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THIS IS NOT AN OPINION OF THE BOARD OF
ETHICS